

STATE OF UTAH

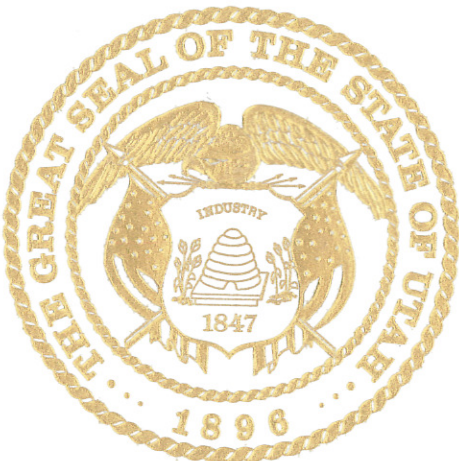


OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH,
HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from
TOWN OF OAK CITY, dated October 15th, 2009, complying with Section 10-2-425,
Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the
attached is a true and correct copy of the notice of annexation, referred to above, on file
with the Office of the Lieutenant Governor pertaining to TOWN OF OAK CITY, located
in San Juan County, State of Utah.



IN TESTIMONY WHEREOF, I have
hereunto set my hand, and affixed the Great
Seal of the State of Utah this 25th day of
January, 2010 at Salt Lake City, Utah.

A handwritten signature in black ink, reading "Greg Bell".

GREG BELL
Lieutenant Governor

Town Of Oak City, Utah

30 West Center
P. O. Box 217
Oak City, Utah 84649
Phone 435-846-2707



December 28, 2009

Lt. Governor's Office
Attn: Justin
Utah State Capitol
Suite 220
Salt Lake City, UT 84114

To Whom It May Concern:

The Town of Oak City, Millard County, Utah respectfully submits for your information and consideration the Annexation Petition entitled the "Mont Nielson Annexation". This petition has been accepted and approved by the Town Council of Oak City in compliance with Utah Code Title 10-2.425. Included is a copy of the ordinance approving the annexation and the plat map duly certified, signed, and reviewed by the Millard County surveyor.

Thank You,

Michael J Staheli
Mayor, Town of Oak City

Received

JAN 25 2010

Greg Bell
Lieutenant Governor

Town of Oak City

ORDINANCE NO. 2009-03

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF OAK CITY, UTAH PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF THE TOWN OF OAK CITY AND ESTABLISHING ZONE DISTRICT CLASSIFICATION FOR THE ANNEXED TERRITORY IDENTIFIED AS THE "MONTE NIELSON ANNEXATION":

RECITALS

The City Council of the Town of Oak City, Utah (referred to herein as the "City Council"), recites the following as the basis for adopting the following ordinance:

A. Oak City has adopted an Annexation Policy Plan in accordance with the provisions of Part 4, Chapter 2, Title 10, Utah Code Annotated (1953) as amended, setting forth the specific criteria that will guide Oak City's decision as to whether it will favor annexation of territory into the corporate limits of Oak City and whether to grant future annexation petitions.

B. The owners of a certain parcel of real property, described below, desire to annex such real property to the corporate limits of Oak City, Utah. An annexation petition has been presented to the Town, the Monte Nielson petition for annexation (hereafter "Monte Nielson annexation").

C. Said owners have caused a Petition for Annexation to be filed with Oak City, which designates a contact sponsor. The petition was accompanied by an accurate plat of the real property, which was prepared under the supervision of a licensed surveyor.

D. The real property in each annexation petition is a contiguous, unincorporated area contiguous to the boundaries of Oak City, and the annexation thereof will not leave or create an unincorporated island or peninsula.

E. Each annexation petition contained the signatures of owners of private real property that covered a majority of the private land area within the area proposed for annexation.

F. Each annexation petition contained the signatures of owners of private real property that is equal in value to at least one-third (1/3) of the value of all private real property within the area proposed for annexation.

G. On April 16, 2009 the City Council accepted the petition for annexation for the Monte Nielson Annexation.

H. On July 8, 2009, the City Recorder certified the Monte

Nielson annexation petition and mailed or delivered written notification thereof to the Oak City Council, the contact sponsors and the Millard County Commission certifying that the annexation petition met the requirements of state law.

I. The City Council published Notice of Certification and mailed written Notice of Certification for the petitions to each affected entity, as required by law, and no timely protests have been filed in accordance with the provisions of Section 10-2-407, Utah Code Annotated, 1953, *as amended*.

J. On October 15, 2009, the City Council held a public hearing after giving notice as required by law for the Monte Nielson annexation and held a public hearing after giving notice as required by law for the Nielson annexation. The City Council has determined the referenced annexation is desirable and that a need exists to annex the territory described in the annexation petition.

K. The City Council has determined that the annexation territory should be zoned in accordance with the Oak City General Plan. The City Council has determined that the territory should be included within the Agricultural Zone.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the Town of Oak City, Utah:

Section 1. Territory Annexed. The real property, more particularly described in paragraph 2, below, is hereby annexed to Oak City, Utah, and the corporate limits of Oak City is hereby extended accordingly.

Section 2. Property Description. The real property, which is the subject of this annexation Ordinance, is described as follows:

PARCEL: ("Monte Nielson annexation")

QUARTER: NE S 1 T 17S R 5W BEG NE COR SEC 1, T17S, R5W, SLM, W 22.90 CHS, S 7.30 CHS, E 15 CHS, S 1.34 CHS, E 7.99 CHS, N 8.64 CHS TO BEG.
Containing 18.7 Acres More or Less

Section 3. Filing of Annexation Plat and Ordinance. Within thirty (30) days after enacting this ordinance, Oak City shall:

a. Send notice of the enactment of this Ordinance to each affected entity pursuant to the notice requirements set forth in Section 10-2-425, Utah Code Annotated (1953), *as amended*; and

b. File with the Lt. Governor of the State of Utah: A certified copy of this Ordinance approving the annexations, together with a plat or map prepared by a licensed surveyor, approved by the City Council, and filed with the Millard County Surveyor showing the new boundaries of the affected area.

Section 4. Effect of Annexation on Annexed Territory. Upon recordation of the annexation plat provided for in Section 3 above, the residents of the annexed territory shall be extended all rights and privileges of the Town of Oak City. Also, the residents of the annexed territory shall then be subject to and required to comply with all ordinances, resolutions, policies, rules and regulations of the Town of Oak City. At the time this annexation becomes effective, the annexation areas will be entitled to municipal services rendered by the Town of Oak City and to the protections offered by Oak City ordinances and other benefits generally enjoyed by the present residents of the Town of Oak City, Utah. This annexation will not affect any local district that may have been established in Millard County under Title 17B, Chapter 2, Utah Code Annotated. The real property annexed will be within the boundaries of the Millard County Fire District, but it was also within those boundaries before the annexation.

Section 5. Statement of Compliance with Statutory Annexation Criteria. The annexation provided for herein complies with the statutory requirements set out in Part 4, Chapter 2, Title 10, Utah Code Annotated (1953), *as amended*, and the requirements set forth in Oak City Annexation Declaration.

Section 6. Zone Classification of Annexed Territory. Upon completion of the annexation of the territory described in this Ordinance into the Town of Oak City, Utah, the annexed territory shall be classified and included as being in the zone district identified by the attached map copy, marked as Exhibit "A". Such map identifies the proposed annexed territory to be Agricultural, all as further established by the zoning Ordinances of Oak City, Utah.

Section 7. Development Restrictions. All future development must be made in compliance with Oak City ordinances, resolutions, policies, rules, and regulations. Street access to the property annexed shall follow the grid pattern layout of existing streets where possible. Development of the real property annexed by this ordinance shall require recorded easement conveyances for all utility services and dedication of land as appropriate under Oak City ordinances to the Town for necessary streets. Any requirements of this paragraph or the municipal regulations incorporated herein not permissible under the laws of the state of Utah are deemed waived.

Section 8. Exhibits. All exhibits referred to in this Ordinance shall be deemed incorporated herein by reference to the same effect as though fully set forth herein.


Section 9. Severability. If any section, paragraph, subsection or any portion of this Ordinance less than the entire ordinance, or the application thereof, is held to be invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 10. Effective Date of Annexation and Ordinance. This Ordinance and the annexation provided thereby is completed and takes effect upon the publication of this Ordinance or a summary thereof and on the date the Lt. Governor of the State of Utah issues to Oak City a Certification of Amended Articles of Incorporation.

Section 11. Publication. This Ordinance, or a summary of this Ordinance, is ordered published in the *Millard County Chronicle-Progress*, a newspaper having general circulation within the Town of Oak City, Utah.

Section 12. Effect on Related Ordinances. Any ordinance, resolution or policy of the Town of Oak City in conflict with this ordinance shall hereby be deemed amended to the extent necessary to conform to the provisions of this ordinance as they relate to the annexed territory.

PASSED AND ADOPTED this 15th day of October, 2009.


Michael J. Staheli, Mayor

Attest: 
Karen K Lovell, Town Recorder

VOTING:

<u>Jeff Lyman</u>	<input checked="" type="checkbox"/> Yea /	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Dave Steele</u>	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Craig Dutson</u>	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u>Bryant Anderson</u>	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
<u> </u>	<input type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent

OWNER'S ANNEXATION PETITION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF A MAJORITY OF THE PROPERTY DESCRIBED IN THE ANNEXATION DESCRIPTION HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE RETURNED FOR ANNEXATION INTO OAK CITY, HILLARD COUNTY, STATE OF UTAH.

IN WITNESS WHEREOF WE HAVE HERETOBY SET OUR HANDS THIS 25th DAY OF October 2009.

Monte C. Nielson
Bonnie R. Nielson

STATE OF UTAH
COUNTY OF HILLARD

MY COMMISSION EXPIRES 5/1/2010

NOTARY PUBLIC

IN WITNESS WHEREOF, I HAVE HEREBY SET MY HAND AND SEAL OF OFFICE

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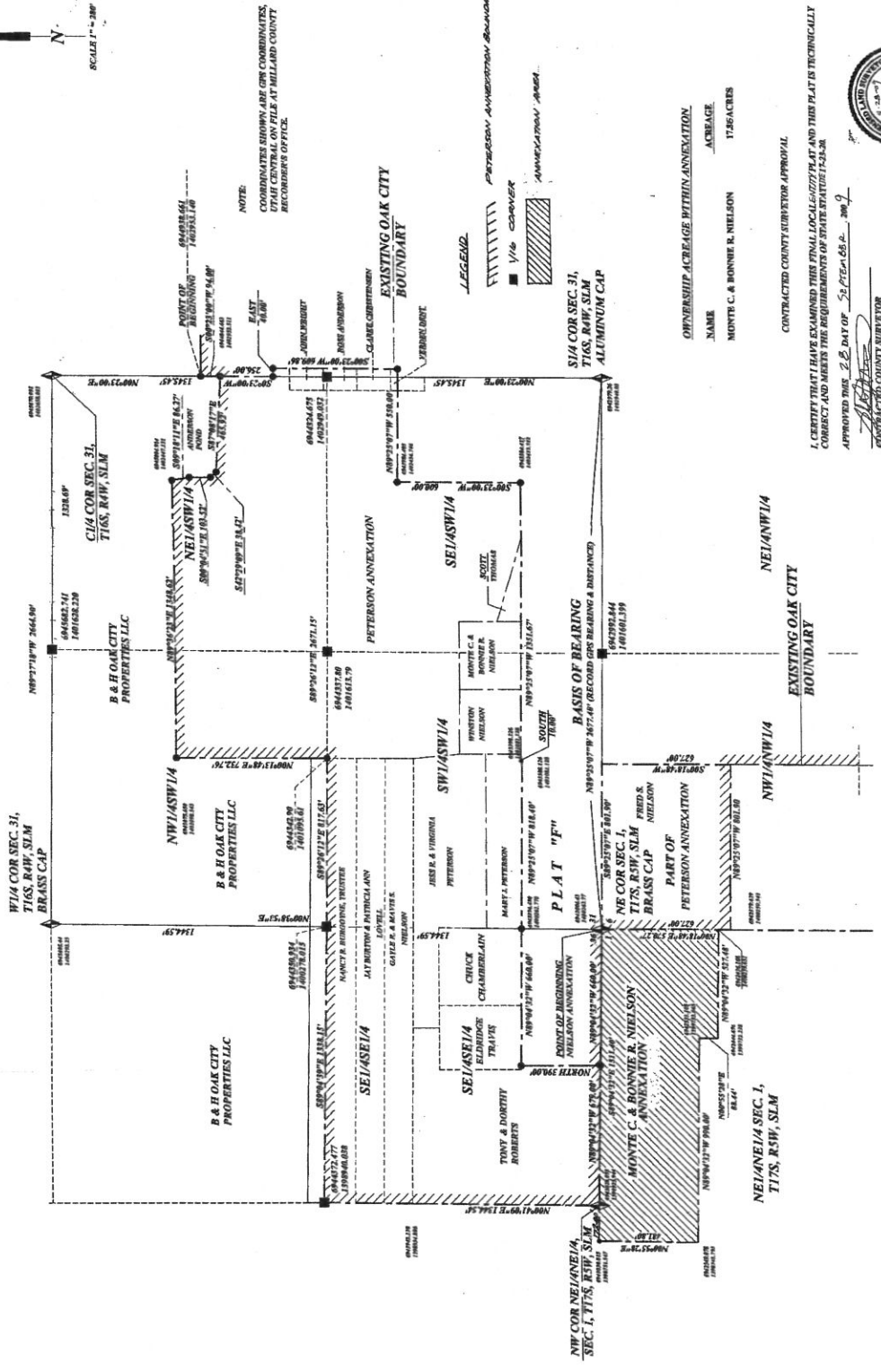
NOTARY PUBLIC

NOTARY PUBLIC

NOTARY PUBLIC

NOTARY PUBLIC

SCALE 1" = 200'



I, CERTIFY THAT I HAVE EXAMINED THIS FINAL LOCALIZED PLAT AND THIS PLAT IS TECHNICALLY CORRECT AND MEETS THE REQUIREMENTS OF STATE STATUTE 17-2-30.

APPROVED THIS 22nd DAY OF September 2009

DALE L. ROBINSON

NOTARY PUBLIC

OWNERSHIP ACCESSION WITHIN ANNEXATION

NAME

ACREAGE

17.26 ACRES

MONTE C. & BONNIE R. NIELSON

CONTRACTED COUNTY SURVEYOR APPROVAL

SEAL

MONT NIELSON ANNEXATION

MONTE C. AND BONNIE R. NIELSON

A PORTION OF NE 1/4 SEC. 1, T17S, R3W, SLM.

JUNE 24, 2009

EDWARDS SURVEYING

P.O. BOX 6

DELTA, UTAH 86404

501-244-2000